

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

EIGHTIETH DAY — WEDNESDAY, MAY 23, 2001

The house met at 3:25 p.m. and was called to order by the speaker pro tempore.

The roll of the house was called and a quorum was announced present (Record 510).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Hilbert; West.

LEAVES OF ABSENCE GRANTED

On motion of Representative Y. Davis and by unanimous consent, all members who were granted leaves of absence on the previous legislative day were granted leaves for this legislative day.

RULES SUSPENDED

Representative Y. Davis moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the local, consent, and resolutions calendar which were considered on the previous legislative day.

The motion prevailed without objection.

MOTION FOR ONE RECORD VOTE

On motion of Representative Y. Davis and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the local, consent, and resolutions calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

SB 53

SB 144

SB 192

SB 194

SB 195

SB 224

SB 257

SB 333

SB 482

SB 497

SB 531

SB 533

SB 557

SB 593

SB 625

SB 671

SB 736

SB 751

SB 769

SB 791

SB 799

SB 869

SB 893

SB 903

SB 917

SB 932

SB 1001

SB 1024

SB 1050

SB 1128

SB 1176

SB 1180

SB 1235

SB 1245

SB 1294

SB 1299

SB 1302

SB 1308

SB 1353

SB 1367

SB 1396

SB 1581

SB 1632

SB 1637

SB 1646

SB 1683

SB 1684

SB 1732

SB 1759

SB 1763

SB 1764

SB 1775

SB 1776

SB 1777

SB 1784

SB 1793

SB 1807

SB 252

SB 283

SB 486

SB 720

SB 998

SB 1016

SB 1051

SB 1293

SB 1417

SB 1470

The following bills which were considered on second reading on the previous legislative day on the local, consent, and resolutions calendar were laid before the house, read third time, and passed by (Record 511): 145 Yeas, 0 Nays, 2 Present, not voting (members registering votes and the results of the vote are shown following bill number).

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Zbraneck.

Present, not voting — Mr. Speaker; Uher(C).

Absent, Excused — Hilbert; West.

Absent — Yarbrough.

SB 200

SB 332

SB 338

SB 395

SB 456

SB 465

SB 496

SB 840

SB 847

SB 1006

SB 1036

SB 1064

SB 1085

SB 1100

SB 1160

SB 1212

SB 1214

SB 1226

SB 1288

SB 1434

SB 1573

SB 1659

SB 1686

SB 1736

SB 1758

SB 1767

SB 1773

SB 1781

SB 1782

SB 1796

SB 1800

SB 1808

SB 1821

SB 1823

SB 1831

SB 1840

SB 263

SB 279

SB 505

SB 586

SB 1173

SB 1315

SB 1713

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 64).

HR 1223 - NOTICE OF INTRODUCTION

Pursuant to the provisions of Rule 13, Section 9(f), of the House Rules, the chair announced the introduction of **HR 1223**, suspending the limitations on the conferees for **SB 1**.

RESOLUTIONS REFERRED TO COMMITTEES

Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

**MAJOR STATE CALENDAR
SENATE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**SB 311 ON THIRD READING
(Gallego - House Sponsor)**

SB 311, A bill to be entitled An Act relating to the abolition of the General Services Commission; to the transfer of its functions to a newly created Texas Procurement Commission, the Department of Information Resources, and a newly created Texas Building Commission; and to the operations of certain other state agencies having functions transferred from or associated with the commission, including the telecommunications planning and oversight council, the attorney general, and the State Cemetery Committee.

Amendment No. 1

On behalf of Representative Wolens, Representative Gallego offered the following amendment to **SB 311**:

Amend **SB 311** on third reading by adding the following SECTION at the end of Article 1, appropriately numbered, and renumbering the subsequent SECTIONS of the article appropriately:

SECTION _____. (a) The maximum annual salary of the executive director of the State Preservation Board during the state fiscal biennium beginning September 1, 2001, is equal to the maximum annual salary set for the executive director of the General Services Commission prescribed by the General Appropriations Act for the biennium.

(b) The maximum annual salary of the executive director of the Texas Procurement Commission during the state fiscal biennium beginning September 1, 2001, is \$90,000.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Wise offered the following amendment to **SB 311**:

Amend **SB 311** on third reading in amended Subsection (a), Section 2166.258, Government Code, as added by second reading Floor Amendment No. 5, between "or other agency" and the opening bracket, by inserting ". The commission or other agency may not require a contractor or subcontractor to obtain a surety bond from a specific insurance company, surety company, agent, or broker".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Deshotel offered the following amendment to **SB 311**:

Amend **SB 311** on third reading by adding the following SECTION, appropriately numbered, to Article 14 of the bill and renumbering the subsequent SECTIONS of Article 14 of the bill appropriately:

SECTION __. Section 2165.005(f), Government Code, is amended to read as follows:

(f) A building that [which] will be used as a state or regional headquarters for a state agency, other than a university building, a secure correctional facility operated by the Texas Youth Commission, or a prison, may bear the name of a person only if the person is deceased and was significant in the state's history.

Section __. The Texas Building Commission shall rename the Jefferson County State School for the Honorable Al Price.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Alexander offered the following amendment to **SB 311**:

Amend **SB 311** on 3rd Reading, in SECTION 5.01 of the bill, (as amended on 2nd reading by the Davis amendment No. 9) in Subchapter A, in Chapter 2262, Government Code, by adding Section 2262.002 to Chapter 2262 to read as follows:

Sec. 2262.002. EXEMPTIONS. Any provision of this chapter regarding the solicitation of contracts does not apply to the Texas Department of Transportation.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Yarbrough offered the following amendment to **SB 311**:

Amend **SB 311** on third reading as follows:

In Article 9 of the bill (House Committee Report), add two new Sections, appropriately numbered, to read as follows:

SECTION __. Section 2252.031, Government Code, is amended to read as follows:

Sec. 2252.031. DEFINITIONS. In this subchapter:

(6) "Subcontractor" means a person who provides public work, labor, or material to fulfill an obligation to a prime contractor or subcontractor for the performance or installation of any work required by a public works contract.

SECTION __. Section 2252.032, Government Code, is amended to read as follows:

Sec. 2252.032. RETAINAGE. (a) A governmental entity shall:

(1) deposit in an interest-bearing account the retainage of a public works contract [~~that provides for retainage of more than five percent of the periodic contract payment~~]; and

(2) pay the interest earned on the retainage to the prime contractor [~~on completion of the contract~~].

(b) A prime contractor shall pay to a subcontractor from whom retainage is withheld the percentage of the interest received from a governmental entity that is attributable to the subcontractor's work.

(c) A subcontractor shall pay to its subcontractor from whom retainage is withheld the percentage of the interest received from the prime contractor that is attributable to its subcontractor's work.

(d) A person obligated to pay interest under Subsection (a), (b), or (c) shall pay the interest within the period prescribed for payment by Chapter 2251.

(e) If a governmental entity is obligated to pay interest under this section and does not make the interest payments within the period prescribed by Subsection (d), interest accrues for the overdue payments in the manner and at the rate prescribed by Chapter 2251, less interest of the interest-bearing account.

(f) If a prime contractor or subcontractor is obligated to pay interest under this section and does not make the interest payments within the period prescribed by Subsection (d), interest accrues for the overdue payments in the manner and at the rate prescribed by Chapter 2251.

Amendment No. 5 was adopted without objection.

SB 311, as amended was passed.

SB 322 ON THIRD READING **(Gallego and Carter - House Sponsors)**

SB 322, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Housing and Community Affairs and to other matters relating to housing or community development, including the creation of the Manufactured Housing Board and the Office of Rural Community Affairs; providing a penalty.

Amendment No. 1

Representative Carter offered the following amendment to **SB 322**:

Amend **SB 322**, on third reading, in Article 1 of the bill, in the SECTION providing that certain complaints or investigations relating to the administration and enforcement of the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) are transferred without change in status to the manufactured housing division of the Texas Department of Housing and Community Affairs, as follows:

(1) Between "Statutes)" and "pending", insert "and".

(2) Between "case" and "pending", insert "relating to the administration and enforcement of the Texas Manufactured Housing Standards Act (Article 5221f, Vernon's Texas Civil Statutes) and".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Carter offered the following amendment to **SB 322**:

Amend **SB 322**, on third reading, as follows:

(1) In Article 1 of the bill, add an appropriately numbered SECTION to read as follows and renumber existing SECTIONS accordingly:

SECTION _____. Section 2306.092, Government Code, is amended to read as follows:

Sec. 2306.092. DUTIES REGARDING CERTAIN PROGRAMS CREATED UNDER FEDERAL LAW. The department~~[, through the community affairs division, or any other division]~~ shall[:

~~[(1) maintain communication with local governments and act as an advocate for local governments at the state and federal levels;~~

~~[(2) assist local governments with advisory and technical services;~~

~~[(3) provide financial aid to local governments and combinations of local governments for programs that are authorized to receive assistance;~~

~~[(4) provide information about and referrals for state and federal programs and services that affect local governments;~~

~~[(5) administer, conduct, or jointly sponsor educational and training programs for local government officials;~~

~~[(6) conduct research on problems of general concern to local governments;~~

~~[(7) collect, publish, and distribute information useful to local governments, including information on:~~

~~[(A) local government finances and employment;~~

~~[(B) housing;~~

~~[(C) population characteristics; and~~

~~[(D) land-use patterns;~~

~~[(8) encourage cooperation among local governments as appropriate;~~

~~[(9) advise and inform the governor and the legislature about the affairs of local governments and recommend necessary action;~~

~~[(10) assist the governor in coordinating federal and state activities affecting local governments;~~

~~[(11) administer, as appropriate:~~

~~(1) [(A)] state responsibilities for programs created under the federal Economic Opportunity Act of 1964 (42 U.S.C. Section 2701 et seq.);~~

~~(2) [(B)] programs assigned to the department under the Omnibus Budget Reconciliation Act of 1981 (Pub.L. No. 97-35); and~~

~~(3) [(C)] other federal acts creating economic opportunity programs assigned to the department[;~~

~~[(12) develop a consumer education program to educate consumers on executory contract transactions for conveyance of real property used or to be used as the consumer's residence;~~

~~[(13) adopt rules that are necessary and proper to carry out programs and responsibilities assigned by the legislature or the governor; and~~

~~[(14) perform other duties relating to local government that are assigned by the legislature or the governor].~~

(2) In Article 1 of the bill, in the SECTION that repeals sections of Chapter 2306, Government Code, strike "2306.052(d), and 2306.092" and substitute "and 2306.052(d)".

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Carter offered the following amendment to **SB 322**:

Amend **SB 322**, on third reading, as follows:

(1) In Section 2306.127, Government Code, as added by the Garcia amendment No. 9 on second reading, strike "The" and substitute "In a manner consistent with the regional allocation formula described by Section 2306.111(d), the".

(2) In Section 2306.127, Government Code, as added by the Garcia amendment No. 9 on second reading, strike "in administering department programs and funding" and substitute "through its housing program scoring criteria".

Amendment No. 3 was adopted without objection.

(Speaker in the chair)

SB 322, as amended, was passed.

SB 409 ON THIRD READING
(Bosse - House Sponsor)

SB 409, A bill to be entitled An Act relating to the powers and duties of the Texas Turnpike Authority division of the Texas Department of Transportation, including the power of eminent domain, and to the abolishment of the board of directors of that division.

A record vote was requested.

SB 409 was passed by (Record 512): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent — Crabb; Turner, S.

SB 512 ON THIRD READING
(Gallego and Keel - House Sponsors)

SB 512, A bill to be entitled An Act relating to the investment and management of the permanent school fund.

SB 512 was passed. (Goolsby and Talton recorded voting no)

SB 1654 ON THIRD READING
(Dunnam - House Sponsor)

SB 1654, A bill to be entitled An Act relating to the provision of defense counsel to insureds by liability insurers; providing a civil penalty.

SB 1654 was passed. (Heflin recorded voting no)

SB 309 ON THIRD READING
(Bosse - House Sponsor)

SB 309, A bill to be entitled An Act relating to the application of the sunset review process to certain governmental entities.

SB 309 was passed.

SB 1839 ON THIRD READING
(Eiland, Naishtat, Gray, Smithee, and Goodman - House Sponsors)

SB 1839, A bill to be entitled An Act relating to certain long-term care facilities.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence temporarily for today to attend a meeting of the conference committee on **HB 3343**:

Sadler on motion of R. Lewis.

Hochberg on motion of R. Lewis.

Pitts on motion of R. Lewis.

Tillery on motion of R. Lewis.

Marchant on motion of R. Lewis.

INTRODUCTION OF GUEST

The speaker recognized Representative Thompson, who introduced Deog Ryong Kim, member of the National Assembly of the Republic of Korea, who briefly addressed the house.

SB 1839 - (consideration continued)

Amendment No. 1

Representative Eiland offered the following amendment to **SB 1839**:

Amend **SB 1839** on third reading by amending Floor Amendment No. 1, Second Reading, as amended, to **SB 1839** on third reading as follows:

1) Amend Section 252.202, Health and Safety Code, as added by Committee Amendment 1, as amended on Second Reading, by striking the first sentence thereof and substituting the following:

"(a) A quality assurance fee is imposed on each facility for which a license fee must be paid under Section 252.034 and on each ICF/MR facility owned by a community mental health and mental retardation center, as defined in Chapter 534, Subchapter A, Health and Safety Code."

2) Amend Section 252.206(d), Health and Safety Code, as added by Committee Amendment 1, as amended on Second Reading, to read as follows:

"(d) Subject to legislative appropriation and this subchapter, quality assurance fees collected under this subchapter, combined with federal matching funds, will support or maintain an increase in Medicaid reimbursement for facilities. Any funds remaining after ICF/MR rates have been established for the biennium shall be transferred by the Health and Human Services Commission to the Home and Community-Based Services and Mental Retardation Local Authority waiver programs for persons with mental retardation adopted in accordance with 42 U.S.C. Section 1396n(c)."

3) Amend subsections (a) and (b) of Section 252.207, Health and Safety Code, as added by Committee Amendment 1, as amended on Second Reading, to read as follows:

"(a) The Health and Human Services Commission shall use money in the quality assurance fund, together with any federal money available to match that money, to:

(1) Offset allowable expenses to administer the fee under this chapter under the Medicaid program; or

(2) increase reimbursement rates paid under the Medicaid program to facilities. Any funds remaining after ICF/MR rates have been established for the biennium may be transferred by the Health and Human Services Commission to the Home and Community-Based Services and Mental Retardation Local Authority waiver programs for persons with mental retardation adopted in accordance with 42 U.S.C. Section 1396n(c).

(b) The Health and Human Services Commission or the department at the direction of the commission shall by rule adopt the formula by which amounts received under this section increase the reimbursement rates paid to facilities and Home and Community-Based Services and Mental Retardation Local Authority waiver programs under the Medicaid program."

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 1839, as amended, was passed by (Record 513): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.;

Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Hochberg; Marchant; Pitts; Sadler; Tillery.

SB 11 ON THIRD READING

(Gray, Maxey, Kitchen, and Capelo - House Sponsors)

SB 11, A bill to be entitled An Act relating to protecting the privacy of medical records; providing penalties.

SB 11 was passed.

GENERAL STATE CALENDAR

SENATE BILLS

THIRD READING

The following bills were laid before the house and read third time:

SB 454 ON THIRD READING

(Alexander - House Sponsor)

SB 454, A bill to be entitled An Act relating to the collection and enforcement of tolls on certain toll roads and toll projects; providing for civil and criminal penalties.

SB 454 was passed.

SB 515 ON THIRD READING

(Truitt - House Sponsor)

SB 515, A bill to be entitled An Act relating to the establishment of an adult fatality review team and to the reporting and investigation of certain adult deaths; providing a penalty.

Amendment No. 1

Representative P. King offered the following amendment to **SB 515**:

Amend **SB 515** on third reading by adding the following appropriately numbered SECTIONS to the bill and renumbering existing SECTIONS of the bill appropriately:

SECTION _____. Section 33.003(i), Family Code, is amended to read as follows:

(i) The court shall determine by a preponderance of the evidence whether the minor is mature and sufficiently well informed to make the decision to have an abortion performed without notification to either of her parents or a

managing conservator or guardian, whether notification would not be in the best interest of the minor, or whether notification may lead to [~~physical, sexual, or emotional~~] abuse of the minor. If the court finds that the minor is mature and sufficiently well informed, that notification would not be in the minor's best interest, or that notification may lead to [~~physical, sexual, or emotional~~] abuse of the minor, the court shall enter an order authorizing the minor to consent to the performance of the abortion without notification to either of her parents or a managing conservator or guardian and shall execute the required forms. In this subsection, "abuse" has the meaning assigned by Section 261.001.

SECTION _____. The change in law made by this Act to Section 33.003(i), Family Code, applies to any judicial bypass hearing that is conducted in a trial court under Section 33.003, Family Code, on or after the effective date of this Act.

Amendment No. 1 was adopted without objection.

SB 515, as amended, was passed.

SB 1296 ON THIRD READING
(Flores - House Sponsor)

SB 1296, A bill to be entitled An Act relating to the issuance of general obligation bonds and notes to provide financial assistance to counties for roadway projects to serve border colonias.

SB 1296 was passed.

SB 63 ON THIRD READING
(McCall - House Sponsor)

SB 63, A bill to be entitled An Act relating to a franchise tax credit for wages paid to persons with certain disabilities.

SB 63 was passed.

(Hochberg now present)

SB 1458 ON THIRD READING
(McCall - House Sponsor)

SB 1458, A bill to be entitled An Act relating to the management of state agency and local government electronic projects, equipment, and contracts, to the purchase and use of certain advanced technological equipment, and to the use of outside personnel by the comptroller of public accounts.

Amendment No. 1

Representatives Danburg and Longoria offered the following amendment to **SB 1458**:

Amend **SB 1458** on third reading (House Committee printing) by inserting the following new sections of the bill, appropriately numbered, and renumbering the subsequent sections of the bill accordingly:

SECTION _____. Section 552.104, Government Code, is amended to read as follows:

Sec. 552.104. EXCEPTION: INFORMATION RELATED TO

COMPETITION OR BIDDING. (a) Information is excepted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder.

(b) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

SECTION __. Section 552.131, Government Code, as added by Chapter 405, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Subsection (d) to read as follows:

(d) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.

SECTION __. The change in law made in Sections 552.104, and 552.131, Government Code, in this Act applies to information in the possession of a governmental body or to which the governmental body has a right of access on or after the effective date of this Act, without regard to the date on which the governmental body first possessed or first obtained a right of access to the information.

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Hochberg offered the following amendment to **SB 1458**:

Amend **SB 1458** on third reading by adding an appropriately numbered article to the bill to read as follows:

ARTICLE __. TRANSFER OF DATA PROCESSING EQUIPMENT TO STUDENTS

SECTION __.01. Chapter 32, Education Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. TRANSFER OF DATA PROCESSING EQUIPMENT TO STUDENTS

Sec. 32.101. DEFINITION. In this subchapter, "data processing" has the meaning assigned by Section 2054.003, Government Code.

Sec. 32.102. AUTHORITY. (a) As provided by this subchapter, a school district or open-enrollment charter school may transfer to a student enrolled in the district or school:

(1) any data processing equipment donated to the district or school, including equipment donated by:

(A) a private donor; or

(B) a state eleemosynary institution or a state agency under Section 2175.126, Government Code;

(2) any equipment purchased by the district or school, to the extent consistent with Section 32.105; and

(3) any surplus or salvage equipment owned by the district or school.

(b) A school district or open-enrollment charter school may accept:

(1) donations of data processing equipment for transfer under this subchapter; and

(2) any gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment under this subchapter.

Sec. 32.103. ELIGIBILITY; PREFERENCE. (a) A student is eligible to receive data processing equipment under this subchapter only if the student does not otherwise have home access to data processing equipment, as determined by the student's school district or open-enrollment charter school.

(b) In transferring data processing equipment to students, a school district or open-enrollment charter school shall give preference to educationally disadvantaged students.

Sec. 32.104. REQUIREMENTS FOR TRANSFER. Before transferring data processing equipment to a student, a school district or open-enrollment charter school must:

(1) adopt rules governing transfers under this subchapter, including provisions for technical assistance to the student by the district or school;

(2) determine that the transfer serves a public purpose and benefits the district or school; and

(3) remove from the equipment any offensive, confidential, or proprietary information, as determined by the district or school.

Sec. 32.105. EXPENDITURE OF PUBLIC FUNDS. A school district or open-enrollment charter school may spend public funds to:

(1) purchase, refurbish, or repair any data processing equipment transferred to a student under this subchapter; and

(2) store, transport, or transfer data processing equipment under this subchapter.

Sec. 32.106. RETURN OF EQUIPMENT. (a) Except as provided by Subsection (b), a student who receives data processing equipment from a school district or open-enrollment charter school under this subchapter shall return the equipment to the district or school not later than the earliest of:

(1) five years after the date the student receives the equipment;

(2) the date the student graduates;

(3) the date the student transfers to another school district or open-enrollment charter school; or

(4) the date the student withdraws from school.

(b) Subsection (a) does not apply if, at the time the student is required to return the data processing equipment under that subsection, the district or school determines that the equipment has no marketable value.

SECTION __.02. Section 2175.126, Government Code, is amended to read as follows:

Sec. 2175.126. DISPOSITION OF DATA PROCESSING EQUIPMENT. (a) If a disposition of a state agency's surplus or salvage data processing equipment is not made under this subchapter, the state agency shall transfer the equipment to a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code, or to the Texas Department of Criminal Justice. The state agency may not collect a fee or other reimbursement from the district, the school, or the Texas Department of Criminal Justice for the surplus or salvage data processing equipment.

(b) If a disposition of the surplus or salvage data processing equipment of a state eleemosynary institution or an institution or agency of higher education is not made under other law, the institution or agency shall transfer the equipment to a school district or open-enrollment charter school in this state under Subchapter C, Chapter 32, Education Code, or to the Texas Department of Criminal Justice. The institution or agency may not collect a fee or other reimbursement from the district, the school, or the Texas Department of Criminal Justice for the surplus or salvage data processing equipment.

Amendment No. 2 was adopted without objection.

Amendment No. 3

Representative Gallego offered the following amendment to **SB 1458**:

Amend **SB 1458** on third reading by adding a new SECTION and renumbering subsequent SECTIONS appropriately to read as follows:

SECTION ____ (a) Subchapter F, Chapter 2054, Government Code, is amended by adding Section 2054.111 to read as follows:

Sec. 2054.111. REQUIRED POSTING OF STATE INVESTMENT FUND INFORMATION ON INTERNET. (a) In this section, "state investment fund" means any investment fund administered by or under a contract with any entity of state government, including a fund:

(1) established by statute or by the Texas Constitution; or

(2) administered by or under a contract with:

(A) a public retirement system, as defined by Section 802.001, that provides service retirement, disability retirement, or death benefits for officers or employees of the state;

(B) an institution of higher education, as defined by Section 61.003, Education Code; or

(C) any other entity that is part of state government.

(b) The entity of state government responsible for administering a state investment fund shall, on or before the 60th day following the last day of each calendar quarter, post a report containing the information specified by Subsection (c) for the previous calendar quarter on a generally accessible Internet site maintained by or for the fund.

(c) The report must state:

(1) all purchases and sales by or for the fund of domestic equity securities and bonds in the following summary form:

(A) company name;

(B) total amount of shares traded;

(C) total commissions paid; and

(D) the ratio of the amount of the commissions to the number of shares;

(2) the fund's investment managers, investment custodians, investment performance measurement consultants, securities lending agents, and any other ancillary consultants in the following summary form:

(A) company name;

(B) average fund assets under management;

(C) fees paid by the fund; and

(D) average basis points that fees paid by the fund represent in relation to the average assets of the fund under management; and

(3) for categories of businesses based on the status of each business as a historically underutilized business:

(A) the dollar amounts of fees, commissions, and other amounts paid in connection with the administration of the fund, as described under Subdivisions (1) and (2), to those businesses; and

(B) the percentage of commissions paid by the fund to those businesses in relation to the total commissions paid by the fund, as described by Subdivision (1).

(d) This section does not apply to the Texas Workers' Compensation Insurance Fund created under Article 5.76-3, Insurance Code.

(b) This section takes effect July 1, 2001, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for effect on that date, this section takes effect October 1, 2001.

Amendment No. 3 was adopted without objection.

Amendment No. 4

Representative Bosse offered the following amendment to **SB 1458**:

Amends **SB 1458** on third reading by inserting the following:

SECTION___. Section 2260.003(a), Government Code, is amended to read as follows:

(a) The total amount of money recoverable on a claim for breach of contract under this chapter may not, after deducting the amount specified in Subsection (b), exceed an amount equal to the sum of:

(1) the balance due and owing on the contract price; and

(2) the amount or fair market value of orders or requests ~~[-including orders]~~ for additional work made by a unit of state government to the extent that the orders or requests for additional work were actually performed.

SECTION___. Section 2260.005, Government Code, is amended to read as follow:

Sec. 2260.005. EXCLUSIVE PROCEDURE. Subject to Section 2260.007, the [The] procedures contained in this chapter are exclusive and required prerequisites to suit in accordance with Chapter 107, Civil Practice and Remedies Code.

SECTION___. Subchapter A, Chapter 2260, Government Code, is amended by adding Section 2260.007 to read as follows:

Sec. 2260.007. LEGISLATIVE PERMISSION TO SUE. (a) Notwithstanding Section 2260.005, the legislature retains the authority to deny or grant a waiver of immunity to suit against a unit of state government by statute, resolution, or any other means the legislature may determine appropriate.

(b) This chapter does not and may not be interpreted to:

(1) divest the legislature of the authority to grant permission to sue a unit of state government on the terms, conditions, and procedures that the legislature may specify in the measure granting the permission;

(2) require that the legislature, in granting or denying permission to sue a unit of state government, comply with this chapter; or

(3) limit in any way the effect of a legislative grant of permission to sue a unit of state government unless the grant itself provides that this chapter may have that effect.

SECTION __. (a) This Act applies only to a contract executed on or after the effective date of this Act. A contract executed before the effective date of this Act is governed by the law applicable to the contract immediately before the effective date of the Act, and that law is continued in effect for that purpose.

Amendment No. 4 was adopted without objection.

Amendment No. 5

Representative Farrar offered the following amendment to **SB 1458**:

Amend **SB 1458** on third reading by inserting a new SECTION to read as follows and renumber subsequent SECTIONS appropriately:

SECTION _____. Subchapter B, Chapter 472, Transportation Code, is amended by adding Section 472.015 to read as follows:

Sec. 472.015. CONTRACTS FOR REMOVAL OF PROPERTY. In contracting with a private business or businesses for the removal of personal property from the right-of-way or roadway of the state highway system, the department may:

(1) use a purchasing method described in Chapter 2156, Government Code;

(2) include the removal work in a contract entered into under Chapter 223; or

(3) select a business or businesses based on an evaluation of the experience of the business and the quality of the business's equipment and services.

Amendment No. 5 was withdrawn.

Amendment No. 6

Representative Farrar offered the following amendment to **SB 1458**:

Amend **SB 1458** on third reading by inserting a new SECTION to read as follows and renumber subsequent SECTIONS appropriately:

SECTION _____. Subchapter B, Chapter 472, Transportation Code, is amended by adding Section 472.015 to read as follows:

Sec. 472.015. CONTRACTS FOR REMOVAL OF PROPERTY. In contracting with a private business or businesses for the removal of personal property from the right-of-way or roadway of the state highway system, the department may:

(1) use a purchasing method described in Chapter 2156, Government Code;

(2) include the removal work in a contract entered into under Chapter 223; or

(3) select a business or businesses based on an evaluation of the experience of the business and the price and quality of the business's equipment and services.

Amendment No. 6 was adopted without objection.

SB 1458, as amended, was passed.

SB 1390 ON THIRD READING
(Kuempel - House Sponsor)

SB 1390, A bill to be entitled An Act relating to the penalties for operating certain facilities without obtaining a permit under the Texas Clean Air Act.

SB 1390 was passed.

SB 372 ON THIRD READING
(Longoria - House Sponsor)

SB 372, A bill to be entitled An Act relating to the reestablishment of service credit in a public retirement system participating in the proportionate retirement program.

Amendment No. 1

Representative Merritt offered the following amendment to **SB 372**:

Amend **SB 372**, on third reading, by adding the following appropriately numbered sections and renumbering the sections of the bill accordingly:

SECTION _____. Subchapter B, Chapter 833, Government Code, is amended by adding Section 833.106 to read as follows:

Sec. 833.106. CREDIT FOR YEAR IN WHICH ELIGIBLE FOR OFFICE.

(a) A member who has not retired may establish service credit in the retirement system for any calendar year during which the member:

(1) held an office included in the membership of the retirement system; or

(2) was eligible to take the oath for an office included in the membership of the retirement system.

(b) A member may establish service credit under this section by depositing with the retirement system a contribution computed for each month of credit claimed at the rate of six percent of the member's current monthly salary, plus, if the member does not establish credit before the first anniversary of the date of first eligibility, interest computed on the basis of the state fiscal year at an annual rate of 10 percent from the date of first eligibility to the date of deposit.

SECTION _____. Subsection (b), Section 834.102, Government Code, is amended to read as follows:

(b) The retirement system shall increase by 10 percent of the amount of the applicable state salary under Subsection (a) or (d)[;] the annuity of a member who on the effective date of retirement;

(1) has not been out of judicial office for more than one year; or

(2) has served as a visiting judge in this state and the first anniversary of the last day of that service has not occurred.

SECTION _____. Section 835.101, Government Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsection (c), each [Each] month the payroll officer responsible for paying the state compensation of a judicial officer who is a member of the retirement system shall deduct from the state compensation of the judicial officer a contribution computed at the rate required of a member of the employee class of the Employees Retirement System of Texas.

(c) A member who accrues 20 years of service credit in the retirement system ceases making contributions under this section.

SECTION _____. Subchapter B, Chapter 838, Government Code, is amended by adding Section 838.106 to read as follows:

Sec. 838.106. CREDIT FOR YEAR IN WHICH ELIGIBLE FOR OFFICE.

(a) A contributing member may establish service credit in the retirement system for any calendar year during which the member:

(1) held an office included in the membership of the retirement system; or

(2) was eligible to take the oath for an office included in the membership of the retirement system.

(b) A member may establish service credit under this section by depositing with the retirement system a contribution computed for each month of credit claimed at the rate of six percent of the member's current monthly salary, plus, if the member does not establish credit before the first anniversary of the date of first eligibility, interest computed on the basis of the state fiscal year at an annual rate of 10 percent from the date of first eligibility to the date of deposit.

SECTION _____. Subsection (b), Section 839.102, Government Code, is amended to read as follows:

(b) The retirement system shall increase by 10 percent of the amount of the applicable state salary under Subsection (a) or (c) the annuity of a member who on the effective date of retirement:

(1) has not been out of judicial office for more than one year; or

(2) has served as a visiting judge in this state and the first anniversary of the last day of that service has not occurred.

Amendment No. 1 was adopted without objection.

SB 372, as amended, was passed.

SB 8 ON THIRD READING (Farabee - House Sponsor)

SB 8, A bill to be entitled An Act relating to discrimination in health care rates and reimbursement; providing administrative and civil penalties.

SB 8 was passed.

SB 1496 ON THIRD READING (Danburg - House Sponsor)

SB 1496, A bill to be entitled An Act relating to the reassignment of the responsibilities of the Child Care Development Board.

SB 1496 was passed.

SB 1190 ON THIRD READING
(McCall and George - House Sponsors)

SB 1190, A bill to be entitled An Act relating to technology development and transfer by institutions of higher education.

SB 1190 was passed.

SB 292 ON THIRD READING
(Telford - House Sponsor)

SB 292, A bill to be entitled An Act relating to programs and systems administered by the Employees Retirement System of Texas.

Amendment No. 1

Representative Delisi offered the following amendment to **SB 292**:

Amend **SB 292** as follows:

(1) Following SECTION 45 of the bill (House Committee Report Printing, page 36, between lines 6 and 7) insert the following new SECTION, appropriately numbered:

SECTION ____ Chapter 810, Section 810.001, Government Code, is amended by adding Subsections (g) and (h) to read as follows:

(g) "civil union" means any relationship status that grants to the parties of the relationship the same legal protections, benefits, and responsibilities as are granted to the spouses of a marriage.

(h) For purposes of this title, the state may not give effect to a:

(1) public act, record, or judicial proceeding that recognizes or validates a marriage or civil union between persons of the same sex; or

(2) right or claim asserted as a result of the purported marriage or civil union.

Amendment No. 2

Representative Goodman offered the following amendment to Amendment No. 1:

Amend the Delisi amendment to **SB 292** as follows:

Add the following new subsection at the end of the amendment:

(i) Subsection (h) of this section does not preclude the enforcement in this state of an order issued in another state relating to child custody, child support, or property division, including a qualified domestic relations order.

Amendment No. 2 was adopted without objection.

Amendment No. 1, as amended, was adopted without objection. (Burnam, Danburg, Ehrhardt, Farrar, Maxey, and Wilson recorded voting no)

SB 292, as amended, was passed.

SB 691 ON THIRD READING
(Naishtat - House Sponsor)

SB 691, A bill to be entitled An Act relating to the creation of an assisted living facility trust fund.

A record vote was requested.

SB 691 was passed by (Record 514): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

SB 1690 ON THIRD READING
(Y. Davis - House Sponsor)

SB 1690, A bill to be entitled An Act relating to the taxation of insurance companies and certain insurance agents.

SB 1690 was passed.

SB 390 ON THIRD READING
(Hilbert - House Sponsor)

SB 390, A bill to be entitled An Act relating to an exemption from the requirements of the open meetings law for certain negotiations involving the Texas Lottery Commission.

A record vote was requested.

SB 390 was passed by (Record 515): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter;

Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Bailey; Coleman; Howard; Kolkhorst.

SB 975 ON THIRD READING **(Hochberg - House Sponsor)**

SB 975, A bill to be entitled An Act relating to electronic courses in public schools.

Amendment No. 1

Representative Hochberg offered the following amendment to **SB 975**:

Amend **SB 975** on third reading as follows:

(1) In SECTION 1 of the bill, in added Section 29.903(d), Education Code (House committee report, page 2, line 5), strike "January" and substitute "July".

(2) In SECTION 2 of the bill, (House committee report, page 3, line 17), strike "May 1, 2002" and substitute "July 1, 2001".

(3) In SECTION 2 of the bill, (House committee report, page 3, line 18), strike "implement" and substitute "begin implementation of".

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 975, as amended, was passed by (Record 516): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay;

Rangel; Raymond; Reyna, A.; Reyna, E.; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Bosse; Garcia; Hawley; Howard; Krusee; Ritter; Uresti.

SB 1411 ON THIRD READING

(Maxey, Gallego, Eiland, and Keel - House Sponsors)

SB 1411, A bill to be entitled An Act relating to dental services provided under the medical assistance program.

SB 1411 was passed.

SB 25 ON THIRD READING

(Goodman - House Sponsor)

SB 25, A bill to be entitled An Act relating to the classification of manslaughter and intoxication manslaughter as violent offenses punishable by a determinate sentence.

Representative Goodman moved to postpone consideration of **SB 25** until 6 p.m. on June 30.

The motion prevailed without objection.

SB 40 ON THIRD READING

(Naishtat - House Sponsor)

SB 40, A bill to be entitled An Act relating to tuition assistance for licensed vocational nursing students who agree following their licensure to practice in long-term care facilities.

A record vote was requested.

SB 40 was passed by (Record 517): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery;

Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Green; Howard; Uresti.

SB 159 ON THIRD READING
(Naishtat - House Sponsor)

SB 159, A bill to be entitled An Act relating to establishing a competitive grant program for projects that are designed to improve the quality of life for residents of a convalescent or nursing home and that could serve as a model of best practices for the convalescent and nursing home industry.

SB 159 was passed.

SB 217 ON THIRD READING
(Hilderbran, Keel, and Ellis - House Sponsors)

SB 217, A bill to be entitled An Act relating to the application and enforcement of traffic regulations in certain private subdivisions.

SB 217 was passed.

SB 220 ON THIRD READING
(Alexander - House Sponsor)

SB 220, A bill to be entitled An Act relating to the regulation and enforcement of weight limitations and safety standards for certain motor vehicles and the enforcement of certain other traffic laws; providing penalties.

SB 220 was passed.

SB 1818 ON THIRD READING
(Telford - House Sponsor)

SB 1818, A bill to be entitled An Act relating to the authority of the board of regents of The Texas A&M University System regarding real property, permanent improvements, and eminent domain.

SB 1818 was passed.

SB 1345 ON THIRD READING
(B. Turner - House Sponsor)

SB 1345, A bill to be entitled An Act relating to the interception of wire, oral, or electronic communications, to the use of pen registers and trap and trace devices, and to the civil and criminal consequences of improperly engaging in those activities.

SB 1345 was passed.

SB 749 ON THIRD READING
(Haggerty - House Sponsor)

SB 749, A bill to be entitled An Act relating to the authority of the Texas Natural Resource Conservation Commission to participate in environmental projects in Mexico.

Amendment No. 1

Representative Chavez offered the following amendment to **SB 749**:

Amend **SB 749** on third reading by adding the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. **BRICK-MAKING PROCESSES STUDY.** (a) The commission, in cooperation with the Joint Advisory Committee for improvement of Air Quality, shall conduct a study of the brick-making processes of brick production facilities near both sides of the border between this state and Mexico.

(b) The commission shall survey current fuel sources for kilns, including the use of scrap wood and sawdust, tires, and other inefficient or highly polluting fuels.

(c) In conducting the study, the commission shall solicit the advice of experts from institutions of higher education, government, and industry of the United States and Mexico on efficient processes and fuels for maintaining proper temperatures for brick production while minimizing emissions of air pollutants.

(d) The commission shall consider the information collected in the study and make recommendations on efficient processes to decrease air pollutant emissions from brick-making kilns.

(e) The commission shall issue a report to the governor, lieutenant governor, and speaker of the house of representatives that summarizes the information gathered in and conclusions of the study and that highlights the recommendations. The report must be issued not later than January 1, 2003.

(f) This section expires January 1, 2003.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 749, as amended, was passed by (Record 518): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Lewis, G.; Lewis, R.; Longoria; Luna;

Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Burnam; Clark; Elkins; Kuempel; Merritt; Oliveira; Turner, S.

SB 273 ON THIRD READING

(Tillery, Bonnen, B. Turner, Geren, McClendon, et al. - House Sponsors)

SB 273, A bill to be entitled An Act relating to systems and programs administered by the Teacher Retirement System of Texas; providing a penalty.

Amendment No. 1

On behalf of Representative Tillery, Representative Luna offered the following amendment to **SB 273**:

Amend **SB 273**, on third reading, as follows:

(1) In SECTION 15 of the bill (house committee report), in added Subsection (a), Section 5, Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), strike "eligible qualified investment product" and substitute "eligible qualified investment".

(2) In SECTION 15 of the bill (house committee report), strike added Section 10, Chapter 22, Acts of the 57th Legislature, 3rd Called Session, 1962 (Article 6228a-5, Vernon's Texas Civil Statutes), and substitute the following:

Sec. 10. (a) A person commits an offense if the person:

(1) sells or offers for sale a qualified investment product that is not an eligible qualified investment and that the person knows will be the subject of a salary reduction agreement;

(2) violates the licensing requirements of Subchapter A, Chapter 21, Insurance Code, with regard to a qualified investment product that the person knows will be the subject of a salary reduction agreement; or

(3) engages in activity described by Section 4, Article 21.21, Insurance Code, with regard to a qualified investment product that the person knows will be the subject of a salary reduction agreement.

(b) An offense under this section is a Class A misdemeanor.

(c) If conduct that constitutes an offense under this section also constitutes a criminal offense under the Insurance Code, the actor may be prosecuted under this section or under the Insurance Code, but not under both this section and the Insurance Code.

(3) Strike the SECTIONS of the bill that amend Articles 21.02-1 and 21.07A, Insurance Code (SECTIONS 19 and 20, house committee report).

(4) In SECTION 27 of the bill (house committee report), which provides

the effective dates for various provisions of the bill, in Subsection (b) of that section, strike Subdivisions (2) and (3) and renumber the subsequent subdivisions appropriately.

(5) Renumber the SECTIONS of the bill appropriately.

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 273, as amended, was passed by (Record 519): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbraneck.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Garcia; Raymond; Wolens.

SB 1224 ON THIRD READING **(B. Turner - House Sponsor)**

SB 1224, A bill to be entitled An Act relating to occupations regulated by the Texas Commission on Private Security.

(Keffer in the chair)

Amendment No. 1

Representative B. Turner offered the following amendment to **SB 1224**:

Amend **SB 1224**, on third reading, at the end of Subsection (d)(2) of Section 1702.323, Occupations Code, as amended by the Geren Amendment No. 4, after the semicolon, strike "and" and substitute "or".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Kuempel offered the following amendment to **SB 1224**:

Amend **SB 1224** on third reading in SECTION 1 of the bill, in amended Subdivision (1), Section 1702.002, Occupations Code (House committee printing page 1, line 13), by striking "may be [are]" and substituting "are".

Amendment No. 2 was withdrawn.

Amendment No. 3

Representatives Keel and Hinojosa offered the following amendment to **SB 1224**:

Amend **SB 1224** by adding the following appropriately numbered Sections to the bill and renumbering subsequent Sections of the bill accordingly:

SECTION __. Subchapter P, Chapter 1702, Occupations Code, is amended by adding Section 1702.3863 to conform to Section 1, Chapter 388, and Section 31, Chapter 974, Acts of the 76th Legislature, Regular Session, 1999, and by amending that section to read as follows:

Sec. 1702.3863. UNAUTHORIZED CONTRACT WITH BAIL BOND SURETY; OFFENSE. (a) A person commits an offense if the person contracts with a bail bond surety as defined by Chapter 1704 to secure the appearance of a person who has forfeited a bail bond, unless the person is:

(1) a peace officer;

(2) an individual licensed as a private investigator or the manager of a licensed investigations company;

(3) a commissioned security officer employed by a licensed guard company;

(4) a bail bond surety who holds a license under Chapter 1704 as an individual;

(5) the agent designated in the license application of a corporate bail bond surety under Chapter 1704; or

(6) a full-time employee of:

(A) a bail bond surety who holds a license under Chapter 1704 as an individual; or

(B) the agent designated in the license application of a corporate bail bond surety under Chapter 1704.

(b) An offense under Subsection (a) is a state jail felony.

SECTION __. Article 17.19(e), Code of Criminal Procedure, is amended to read as follows:

(e) An arrest warrant issued under this article may be executed by:

(1) a peace officer;

(2) ~~[-]~~ a commissioned security officer employed by a guard company licensed under Chapter 1702, Occupations Code;

(3) an individual licensed under Chapter 1702, Occupations Code, as~~[-~~or] a private investigator or the manager of a licensed investigations company;

(4) a bail bond surety who holds a license under Chapter 1704, Occupations Code, as an individual;

(5) the agent that is designated in the license application of a corporate bail bond surety under Chapter 1704, Occupations Code; or

(6) a full-time employee of:

(A) a bail bond surety who holds a license under Chapter 1704, Occupations Code, as an individual; or

(B) the agent that is designated in the license application of a corporate bail bond surety under Chapter 1704, Occupations Code [licensed in this state].

SECTION __. Article 23.05(b), Code of Criminal Procedure, is amended to read as follows:

(b) A capias issued under this article may be executed by:

(1) a peace officer;

(2) an individual licensed under Chapter 1702, Occupations Code, as [or by] a private investigator or the manager of a licensed investigations company;

(3) a commissioned security officer employed by a guard company licensed under Chapter 1702, Occupations Code;

(4) a bail bond surety who holds a license under Chapter 1704, Occupations Code, as an individual;

(5) the agent that is designated in the license application of a corporate bail bond surety under Chapter 1704, Occupations Code; or

(6) a full-time employee of:

(A) a bail bond surety who holds a license under Chapter 1704, Occupations Code, as an individual; or

(B) the agent that is designated in the license application of a corporate bail bond surety under Chapter 1704, Occupations Code [licensed under the Private Investigators and Private Security Agencies Act (Article 4413 (29bb), Vernon's Texas Civil Statutes)].

SECTION __. To the extent of any conflict, Section 1702.3863, Occupations Code, as added by this Act, prevails over another Act of the 77th Legislature, Regular Session, 2001, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 3 was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 3343**:

Ehrhardt on motion of Hopson.

SB 1224 - (consideration continued)

Amendment No. 4

Representative Hawley offered the following amendment to **SB 1224**:

Amend **SB 1224** on third reading by striking Section 1702.322, Occupations Code, as added by Amendment No. 5 on second reading, and correcting cross-references to existing sections of Chapter 1702 accordingly.

Amendment No. 4 was adopted without objection.

SB 1224, as amended, was passed.

SB 1747 ON THIRD READING**(Dunnam - House Sponsor)**

SB 1747, A bill to be entitled An Act relating to the offense of theft of livestock from a commission merchant.

SB 1747 was passed.

SB 638 ON THIRD READING**(Kitchen, Keel, Allen, and Hinojosa - House Sponsors)**

SB 638, A bill to be entitled An Act relating to the taking of a specimen from a person arrested for, charged with, or convicted of certain offenses for the purposes of DNA analysis; providing penalties.

Amendment No. 1

Representative Kitchen offered the following amendment to **SB 638**:

Amend **SB 638** on 3rd reading as follows:

(1) Strike the SECTION of the bill amending Section 411.155, Government Code, as added on 2nd Reading by Amendment No. 3(Garcia).

(2) Strike the SECTION of the bill amending Section 411.148 and 411.150, Government Code, as added on 2nd Reading by Amendment No. 2 (Allen).

(3) Strike SECTION 11 of the bill as substituted on 2nd Reading by Amendment No. 2 (Allen) and substitute the following:

SECTION 11. This Act takes effect September 1, 2001.

Amendment No. 1 was adopted without objection.

SB 638, as amended, was passed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

SB 687 ON THIRD READING**(Chisum - House Sponsor)**

SB 687, A bill to be entitled An Act relating to criminal penalties for the intentional or knowing discharge of waste or pollutants.

A record vote was requested.

SB 687 was passed by (Record 520): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp;

Isett; Janek; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Ehrhardt; Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Hartnett; Jones, D.; McClendon; Talton.

STATEMENT OF VOTE

When Record No. 520 was taken, I was in the house but away from my desk. I would have voted yes.

Talton

SB 734 ON THIRD READING (Woolley - House Sponsor)

SB 734, A bill to be entitled An Act relating to a report by the Legislative Budget Board on the performance of the state's major investment funds.

A record vote was requested.

SB 734 was passed by (Record 521): 137 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Ehrhardt; Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Gallego; Haggerty; Martinez Fischer; Morrison.

SB 886 ON THIRD READING
(Gallego - House Sponsor)

SB 886, A bill to be entitled An Act relating to motor vehicle size and weight limitations; providing penalties.

Amendment No. 1

Representative B. Turner offered the following amendment to **SB 886**:

Amend **SB 886** on third reading by adding the following new SECTIONS to the bill, appropriately numbered, and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subsection (a), Article 45.0511, Code of Criminal Procedure, is amended to read as follows:

(a) Except as provided by this subsection, this [This] article applies to an alleged offense involving the operation of a motor vehicle and supplements Article 45.051. This article does not apply to an offense that:

(1) involved the operation of [other than] a commercial motor vehicle, as defined by Section 522.003, Transportation Code; or

(2) was committed by a person who:

(A) held a commercial driver's license as defined by Section 522.003, Transportation Code, at the time of the offense; or

(B) holds a commercial driver's license when:

(i) the person's plea is entered under Article 45.051;

or

(ii) the finding of guilt is made under that article[; and supplements Article 45.051].

SECTION _____. Subchapter B, Chapter 45, Code of Criminal Procedure, is amended by adding Article 45.0512 to read as follows:

Art. 45.0512. NONAPPLICABILITY OF ARTICLE 45.051. (a) In this article, "commercial driver's license" and "commercial motor vehicle" have the meanings assigned by Section 522.003, Transportation Code.

(b) Article 45.051 does not apply to an offense that:

(1) involved the operation of a commercial motor vehicle; or

(2) was committed by a person who:

(A) held a commercial driver's license at the time of the offense; or

(B) holds a commercial driver's license when:

(i) the person's plea is entered under Article 45.051;

or

(ii) the finding of guilt is made under that article.

SECTION _____. Section 521.242, Transportation Code, is amended by amending Subsection (b) and adding Subsection (f) to read as follows:

(b) A person may apply for an occupational license by filing a verified petition only with the clerk of the county court or district court in which the person was convicted if:

(1) the person's license has been automatically suspended or canceled under this chapter ~~[or Chapter 522]~~ for a conviction of an offense under the laws of this state; and

(2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state.

(f) A court may not grant an occupational license for the operation of a commercial motor vehicle to which Chapter 522 applies.

SECTION _____. Subdivisions (12), (23), and (25), Section 522.003, Transportation Code, are amended to read as follows:

(12) "Driver's license" has the meaning assigned by Section 521.001 ~~[means a license issued by a state to an individual that authorizes the individual to drive a motor vehicle].~~

(23) "Out-of-service order" means:

(A) a temporary prohibition against driving a commercial motor vehicle issued under Section 522.101, the law of another state, or 49 C.F.R. Section 383.5; or

(B) a declaration by the Federal Motor Carrier Safety Administration ~~[highway administration]~~ or an authorized enforcement officer of a state or local jurisdiction that a driver, commercial motor vehicle, or motor carrier operation is out of service under 49 C.F.R. Section 383.5.

(25) "Serious traffic violation" means a conviction arising from the driving of a commercial motor vehicle, other than a parking, vehicle weight, or vehicle defect violation, for:

(A) excessive speeding, involving a single charge of driving 15 miles per hour or more above the posted speed limit;

(B) reckless driving, as defined by state or local law;

(C) a violation of a state or local law related to motor vehicle traffic control, including a law regulating the operation of vehicles on highways, arising in connection with a fatal accident;

(D) improper or erratic traffic lane change; ~~[or]~~

(E) following the vehicle ahead too closely; or

(F) operating a commercial motor vehicle in violation of Section 522.011 or 522.015.

SECTION _____. Section 522.011, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) It is a defense to prosecution under Subsection (a)(1)(A) if the person charged produces in court a commercial driver's license that:

(1) was issued to the person;

(2) is appropriate for the class of vehicle being driven; and

(3) was valid when the offense was committed.

SECTION _____. Subsections (b), (c), and (d), Section 522.012, Transportation Code, are amended to read as follows:

(b) In granting a waiver under this section, the department is subject to any condition or requirement established for the waiver by the secretary or the Federal Motor Carrier Safety Administration ~~[highway administration]~~.

(c) In addition to any restriction or limitation imposed by this chapter or the department, a restricted commercial driver's license issued under this section

is subject to any restriction or limitation imposed by the secretary or the Federal Motor Carrier Safety Administration ~~[highway administration]~~.

(d) In this section, "farm-related service industry" has the meaning assigned by the secretary or the Federal Motor Carrier Safety Administration ~~[highway administration]~~ under the federal act.

SECTION _____. Subsection (a), Section 522.021, Transportation Code, is amended to read as follows:

(a) An application for a commercial driver's license or commercial driver learner's permit must include:

(1) the full name and current residence and mailing address of the applicant;

(2) a physical description of the applicant, including sex, height, and eye color;

(3) the applicant's date of birth;

(4) the applicant's social security number, unless the application is for a nonresident commercial driver's license and the applicant is a resident of a foreign jurisdiction;

(5) certifications, including those required by 49 C.F.R. Section 383.71(a); and

(6) any other information required by the department.

SECTION _____. Subsection (a), Section 522.042, Transportation Code, is amended to read as follows:

(a) The department may issue a commercial driver's license with endorsements:

(1) authorizing the driving of a vehicle transporting hazardous materials;

(2) authorizing the towing of a double or triple trailer or a trailer over a specified weight;

(3) authorizing the driving of a vehicle carrying passengers;

(4) authorizing the driving of a tank vehicle; ~~[or]~~

(5) representing a combination of hazardous materials and tank vehicle endorsements; or

(6) authorizing the driving of a school bus, as defined by Section 541.201.

SECTION _____. Subsection (a), Section 522.062, Transportation Code, is amended to read as follows:

(a) ~~If [Not later than the 10th day after the date the department receives a report of a conviction of] a person holds a commercial driver's license issued by [who has a domicile in] another state and is finally convicted of [or in a foreign jurisdiction for] a violation of a state traffic law or local traffic ordinance [relating to motor vehicle traffic control, including a law regulating the operation of vehicles on highways,] that was committed in a commercial motor vehicle, the department shall notify the driver's licensing authority in the issuing [licensing] state of that [the] conviction, in the time and manner required by 49 U.S.C. Section 31311.~~

SECTION _____. The heading to Section 522.072, Transportation Code, is amended to read as follows:

Sec. 522.072. EMPLOYER RESPONSIBILITIES ~~[PERMITTING UNAUTHORIZED DRIVING PROHIBITED]~~.

SECTION _____. Subsection (b), Section 522.072, Transportation Code, is amended to read as follows:

(b) An employer may not knowingly require a driver to operate a commercial motor vehicle in violation of a federal, state, or local law that regulates the operation of a motor vehicle at a railroad grade crossing.

(c) In addition to any penalty imposed under this chapter, an employer who violates this section [~~Subsection (a) or an out-of-service order~~] may be penalized or disqualified under 49 C.F.R. Part 383.

SECTION _____. Subsections (a) and (b), Section 522.081, Transportation Code, are amended to read as follows:

(a) This subsection applies only to a violation committed while operating a commercial motor vehicle. A person is disqualified from driving a commercial motor vehicle for:

(1) 60 days if convicted of:

(A) two serious traffic violations that occur within a three-year period; or

(B) one violation of a law that regulates the operation of a motor vehicle at a railroad grade crossing;

(2) [~~or~~] 120 days if convicted of:

(A) three serious traffic violations[~~committed in a commercial motor vehicle~~] arising from separate incidents occurring within a three-year period; or

(B) two violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period; or

(3) one year if convicted of three violations of a law that regulates the operation of a motor vehicle at a railroad grade crossing that occur within a three-year period.

(b) A person is disqualified from driving a commercial motor vehicle for one year on first conviction of:

(1) driving a commercial motor vehicle under the influence of alcohol or a controlled substance, including a violation of Section 49.04 or 49.07, Penal Code;

(2) driving a commercial motor vehicle while the person's alcohol concentration was 0.04 or more;

(3) intentionally leaving the scene of an accident involving a commercial motor vehicle driven by the person;

(4) using a commercial motor vehicle in the commission of a felony, other than a felony described by Subsection (d)(2); [~~or~~]

(5) refusing to submit to a test to determine the person's alcohol concentration or the presence in the person's body of a controlled substance or drug while driving a commercial motor vehicle;

(6) causing the death of another person through the negligent or criminal operation of a commercial motor vehicle; or

(7) driving a commercial motor vehicle while the person's commercial driver's license is revoked, suspended, or canceled, or while the person is disqualified from driving a commercial motor vehicle, for an action or conduct that occurred while operating a commercial motor vehicle.

SECTION _____. Subsections (a) and (b), Section 522.087, Transportation Code, are amended to read as follows:

(a) A person is automatically disqualified under Section 522.081(a)(1)(B), Section 522.081(b)(1), (3), ~~or~~ (4), (6), or (7), or Section 522.081(d)(2). An appeal may not be taken from the disqualification.

(b) Disqualifying a person under Section 522.081(a), other than under Subdivision (1)(B) of that subsection, or Section 522.081 (d)(1) is subject to the notice and hearing procedures of Sections 521.295-521.303. An appeal of the disqualification is subject to Section 521.308.

SECTION _____. Section 522.102, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) This section and Section 522.103 apply only to a person who is stopped or detained while driving a commercial motor vehicle.

SECTION _____. Section 522.103, Transportation Code, is amended to read as follows:

Sec. 522.103. WARNING BY PEACE OFFICER. (a) A peace officer requesting a person to submit a specimen under Section 522.102 shall warn the person that a refusal to submit a specimen will result in the person's being immediately placed out of service for 24 hours and being disqualified from driving a commercial motor vehicle for at least one year under Section 522.081.

(b) A peace officer requesting a person to submit a specimen under Section 522.102 is not required to comply with Section 724.015.

SECTION _____. Subdivision (20), Section 522.003, Transportation Code, is repealed.

SECTION _____. (a) Subsection (a), Article 45.0511, Code of Criminal Procedure, as amended by this Act, and Article 45.0512, Code of Criminal Procedure, as added by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by those laws as they existed immediately before the effective date of this Act, and the former laws are continued in effect for that purpose.

(b) Subsection (d), Section 522.011, Transportation Code, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

(c) Subsection (a), Section 522.021, Transportation Code, as amended by this Act, applies only to an application for a commercial driver's license that is filed on or after the effective date of this Act. An application for a commercial driver's license that was filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(d) Subsection (a), Section 522.062, Transportation Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(e) Section 522.081, Transportation Code, as amended by this Act, applies only to an offense committed on or after the effective date of this Act. An

offense committed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(f) Section 522.087, Transportation Code, as amended by this Act, applies only to a disqualification that is issued under Chapter 522, Transportation Code, on or after the effective date of this Act. A disqualification that is issued under that chapter before the effective date of this Act is governed by the law in effect on the date the disqualification was issued, and the former law is continued in effect for that purpose.

(g) Sections 522.102 and 522.103, Transportation Code, as amended by this Act, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

Amendment No. 1 was adopted without objection.

SB 886, as amended, was passed. (Nixon recorded voting no)

SB 1078 ON THIRD READING
(Alexander - House Sponsor)

SB 1078, A bill to be entitled An Act relating to the date of an independent audit of the management and business operations of the Texas Department of Transportation.

A record vote was requested.

SB 1078 was passed by (Record 522): 136 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brown, B.; Brown, F.; Burnam; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Woolley; Yarbrough; Zbrank.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Ehrhardt; Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

Absent — Brimer; Callegari; Luna; Oliveira; Wolens.

SB 1174 ON THIRD READING
(B. Turner - House Sponsor)

SB 1174, A bill to be entitled An Act relating to the punishment for the offense of criminal mischief involving a public water supply.

SB 1174 was passed.

SB 1181 ON THIRD READING
(Eiland - House Sponsor)

SB 1181, A bill to be entitled An Act relating to requiring health insurers and related entities to disclose certain information.

SB 1181 was passed.

SB 416 ON THIRD READING
(Alexander - House Sponsor)

SB 416, A bill to be entitled An Act relating to the authority of the Texas Department of Transportation in connection with the mitigation of an adverse environmental impact resulting from a state highway improvement project.

A record vote was requested.

SB 416 was passed by (Record 523): 140 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Keffer(C); Wise.

Absent, Excused — Ehrhardt; Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Pitts; Sadler; Tillery.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 523. I intended to vote no.

Danburg

I was shown voting present, not voting on Record No. 523. I intended to vote yes.

Wise

(Pitts now present)

SB 51 ON THIRD READING

(Maxey, Coleman, Naishtat, West, Danburg, et al. - House Sponsors)

SB 51, A bill to be entitled An Act relating to the provision of Medicaid to certain persons making the transition from foster care to independent living.

Amendment No. 1

Representative Maxey offered the following amendment to **SB 51**:

Amend **SB 51**, on third reading by adding new subsections (c), (d), (e), and (f), as follows:

(c) The department shall by rule establish a specific set of income, assets or resources allowable for recipients under this section. The income level shall not be less than 200% or more than 400% of the federal poverty level. Allowable asset or resource levels shall not be less than:

(1) the levels allowed for individuals who are in foster care; and

(2) the levels allow for a person under 19 years of age who is eligible for the medical assistance program.

(d) In setting allowable income, asset or resource levels, the department shall exclude:

(1) any financial benefit used for the purpose of educational or vocational training, such as scholarships, student loans or grants; and

(2) any financial benefit use for the purpose of housing; and

(3) any grants or subsidies obtained as a result of the Foster Care Independence Act.

(e) The Texas Department of Protective and Regulatory Services shall certify the income, assets or resources of each individual on the date the individual exits substitute care. An individual qualifying for medical assistance as established by this section shall remain eligible for twelve calendar months after certification and after each recertification.

(f) The recertification process for individuals who are eligible for medical assistance under this section shall include the option of recertifying by mail or phone.

Amendment No. 1 was adopted without objection.

SB 51, as amended, was passed. (Talton recorded voting no)

SB 1815 ON THIRD READING

(Luna - House Sponsor)

SB 1815, A bill to be entitled An Act relating to establishing a loan program to assist communities that may be affected by federal military base closures.

Amendment No. 1

Representative Puente offered the following amendment to **SB 1815**:

Amend **SB 1815** on third reading by amending SECTION 2, on page 2, line 19, by inserting the following:

Sec. 486.053. LEASEHOLD AND OTHER POSSESSORY INTERESTS.
(a) Section 25.07(a), Tax Code, does not apply to a leasehold or other possessory interest in real property granted by an authority created pursuant to Chapter 378, Local Government Code, that is located in an eligible community.
(b) This subsection and subsection (a) expire September 1, 2007.

Amendment No. 1 was adopted without objection.

SB 1815, as amended, was passed.

SB 929 ON THIRD READING
(Ritter - House Sponsor)

SB 929, A bill to be entitled An Act relating to a restriction on the financing of multifamily residential developments by housing authorities and housing finance corporations.

SB 929 was passed.

SB 280 ON THIRD READING
(Janek - House Sponsor)

SB 280, A bill to be entitled An Act relating to requiring the Texas Department of Health to prepare a request for information for storing and distributing vaccines.

SB 280 was passed.

SB 1778 ON THIRD READING
(Hinojosa - House Sponsor)

SB 1778, A bill to be entitled An Act relating to the collection of costs in criminal cases.

Amendment No. 1

Representative Hill offered the following amendment to **SB 1778**:

Amend **SB 1788** on 3rd Reading as follows:

(1) In SECTION 1, in amended Article 103.003(c), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "private attorney" and substituting "private vendor or private attorney".

(2) In SECTION 2, in amended Article 103.0031, Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike Subsection (a) and substitute "(a) The commissioners court of a county or the governing body of a municipality may enter into a contract with a private attorney or a public or private vendor for the provision of collection services for debts and accounts receivable such as fines, fees, restitution, and other debts or costs, other than forfeited bonds, ordered to be paid by a court serving the county or a court serving the municipality, as appropriate.

(3) In SECTION 2, in amended Article 103.0031(b), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "private attorney" and substitute "private attorney or private vendor".

(4) In SECTION 2, in amended Article 103.0031(b), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "attorney's fees" and substitute "collection fees".

(5) In SECTION 2, in amended Article 103.0031(b), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "referred to the attorney for collection" and substitute "referred to the attorney or vendor for collection".

(6) In SECTION 2, in amended Article 103.0031(c), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "attorney's fees" and substitute "collection fees".

(7) In SECTION 2, in amended Article 103.0031(d), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "private attorney" and substitute "private attorney or private vendor".

(8) In SECTION 2, in added Article 103.0031(d), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "attorney's fees" and substitute "collection costs".

(9) In SECTION 2, in added Article 103.0031(d), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "attorney's contract" in both places it occurs and substitute "attorney's or vendor's contract".

(10) In SECTION 2, in added Article 103.0031(d), Code of Criminal Procedure, as amended by 2nd Reading Floor Amendment No. (1) (Hinojosa), strike "compensate the attorney" and substitute "compensate the attorney or vendor".

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 1778, as amended, was passed by (Record 524): 136 Yeas, 1 Nay, 5 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nay — Isett.

Present, not voting — Mr. Speaker; Clark; Keffer(C); Lewis, G.; Solomons.

Absent, Excused — Ehrhardt; Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Sadler; Tillery.

Absent — Hupp; Kitchen.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 524. I intended to vote no.

Carter

I was shown voting yes on Record No. 524. I intended to vote present, not voting.

Danburg

(Ehrhardt now present)

SB 1053 ON THIRD READING

(Chavez, P. Moreno, Haggerty, Pickett, Najera, et al. - House Sponsors)

SB 1053, A bill to be entitled An Act relating to rates and expenditures under the Medicaid and state child health plan programs in the Texas-Mexico border region.

SB 1053 was passed.

SB 467 ON THIRD READING

(Oliveira - House Sponsor)

SB 467, A bill to be entitled An Act relating to dual language immersion programs in certain public schools.

Amendment No. 1

Representative Dunnam offered the following amendment to **SB 467**:

Amend **SB 467** on third reading by adding an appropriately numbered SECTION to read as follows and by renumbering existing SECTIONS accordingly:

SECTION _. Section 28.002, Education Code, is amended by adding an appropriately numbered subsection to read as follows and by relettering existing subsections accordingly:

() Section 2001.039, Government Code, as added by Chapter 1499, Acts of the 76th Legislature, Regular Session, 1999, does not apply to a rule adopted by the State Board of Education under Subsection (c) or (d).

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 467, as amended, was passed by (Record 525): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.;

Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Marchant; Sadler; Tillery.

Absent — Chavez; Danburg; Goolsby; Howard.

SB 1783 ON THIRD READING **(Wolens, Counts, and Hawley - House Sponsors)**

SB 1783, A bill to be entitled An Act relating to enhanced availability of advanced telecommunications service.

Amendment No. 1

Representative Dutton offered the following amendment to **SB 1783**:

Amend **SB 1783** on third reading (in the language added by second reading Amendment No. 8 by Wolens, as amended by Amendment No. 10, the Chavez substitute to Amendment No. 9 by Dutton) in Section 55.4055(a), Utilities Code, as added by item (1), by striking "located wholly or partly" and substituted "located wholly".

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chavez offered the following amendment to **SB 1783**:

Amend **SB 1783**, on third reading, by adding the following SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 57.047, Utilities Code, is amended by adding Subsection (g) to read as follows:

(g) A grant or loan awarded under this section for a project or proposal that represents a collaborative effort involving more than one public school may be disbursed through a regional education service center at the request of a participating public school.

Amendment No. 2 was adopted without objection.

SB 1783, as amended, was passed.

SB 248 ON THIRD READING
(Brimer - House Sponsor)

SB 248, A bill to be entitled An Act relating to the exemption from ad valorem taxation of motor vehicles leased for personal use.

SB 248 was passed.

SB 985 ON THIRD READING
(Y. Davis - House Sponsor)

SB 985, A bill to be entitled An Act relating to authorizing the governing body of a municipality to enter into a tax abatement agreement with the owner of a leasehold interest in real property that is located in a reinvestment zone.

Amendment No. 1

Representative Puente offered the following amendment to **SB 985**:

Amend **SB 985** on third reading by amending SECTION 1, on page 2, line 16, by inserting the following after the period:

Section 25.07(a), Tax Code, does not apply to a leasehold or other possessory interest in real property granted by an authority that is created pursuant to Chapter 378, Local Government Code, by a municipality eligible to enter into tax abatement agreements under Section 312.002.

Amendment No. 1 was adopted without objection.

(Marchant now present)

A record vote was requested.

SB 985, as amended, was passed by (Record 526): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Sadler; Tillery.

Absent — Hill; Hupp; Turner, S.

STATEMENTS OF VOTE

When Record No. 526 was taken, I was in the house but away from my desk. I would have voted yes.

Hill

When Record No. 526 was taken, my vote failed to register. I would have voted yes.

Hupp

SB 18 ON THIRD READING (Hinojosa - House Sponsor)

SB 18, A bill to be entitled An Act relating to the creation of the offense of interfering with an emergency telephone call.

SB 18 was passed.

SB 19 ON THIRD READING (Dunnam, et al. - House Sponsors)

SB 19, A bill to be entitled An Act relating to the improvement of children's health through daily physical activity in public schools and a coordinated approach by public schools to prevent obesity and certain diseases.

A record vote was requested.

SB 19 was passed by (Record 527): 142 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgenuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker; Keffer(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Sadler; Tillery.

Absent — Moreno, P.; Salinas.

(Speaker in the chair)

SB 712 ON THIRD READING
(Averitt and Eiland - House Sponsors)

SB 712, A bill to be entitled An Act relating to the privacy of certain information provided by consumers to insurers and other related entities; providing a civil penalty.

Amendment No. 1

Representative Averitt offered the following amendment to **SB 712**:

Amend **SB 712** on 3rd Reading as follows:

(1) In SECTION 1 of the bill, in added Article 28A.51(a), Insurance Code, (as amended on 2nd Reading by Amendment No. 1, by Averitt) strike "rules to implement this title" and substitute "rules to implement this chapter".

(2) In SECTION 1 of the bill, in added Article 28A.51, Insurance Code, (as amended on 2nd Reading by Amendment No. 2, by Averitt), add a new Subsection (c) to read as follows:

(c) In adopting rules under this chapter, the commissioner shall attempt to keep state privacy requirements consistent with federal regulations adopted under 15 U.S.C. Subchapter I, Chapter 94 (15 U.S.C. Section 6801 et seq., as amended).

Amendment No. 1 was adopted without objection.

A record vote was requested.

SB 712, as amended, was passed by (Record 528): 136 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Sadler; Tillery.

Absent — Bosse; Chavez; Danburg; Garcia; Hochberg; Janek; Keffer; Ritter; Turner, S.

SB 1727 ON THIRD READING
(Hardcastle - House Sponsor)

SB 1727, A bill to be entitled An Act relating to staff development provided by school districts.

A record vote was requested.

SB 1727 was passed by (Record 529): 133 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Crownover; Danburg; Davis, J.; Davis, Y.; Denny; Deshotel; Driver; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Sadler; Tillery.

Absent — Bosse; Craddick; Delisi; Dukes; Dutton; Green; Hochberg; Howard; Kolkhorst; Mowery; Ritter; Turner, S.

STATEMENT OF VOTE

When Record No. 529 was taken, I was in the house but away from my desk. I would have voted yes.

Craddick

SB 896 ON THIRD READING
(Hamric and Ramsay - House Sponsors)

SB 896, A bill to be entitled An Act relating to funds and taxes for county roads.

SB 896 was passed.

SB 1377 ON THIRD READING**(Thompson - House Sponsor)**

SB 1377, A bill to be entitled An Act relating to the authority of the state auditor to review the use of money collected as court costs.

SB 1377 was passed.

SB 139 ON THIRD READING**(Deshotel, Hinojosa, Villarreal, Miller, Danburg, et al. - House Sponsors)**

SB 139, A bill to be entitled An Act relating to the prosecution of and punishment for the offense of harassment.

SB 139 was passed.

SB 688 ON THIRD READING**(Chisum - House Sponsor)**

SB 688, A bill to be entitled An Act relating to requirements for public notice and hearing on applications for air quality multiple plant permits.

A record vote was requested.

SB 688 was passed by (Record 530): 141 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Present, not voting — Mr. Speaker(C); Burnam.

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Sadler; Tillery.

Absent — Bosse; Maxey; Turner, S.

(Tillery now present)

SB 161 ON THIRD READING
(Naishtat - House Sponsor)

SB 161, A bill to be entitled An Act relating to authorizing transitional support services to former recipients of Temporary Assistance for Needy Families (TANF) benefits.

SB 161 was passed.

SB 173 ON THIRD READING
(Hinojosa - House Sponsor)

SB 173, A bill to be entitled An Act relating to the refund of cash to a surety in a criminal case.

A record vote was requested.

SB 173 was passed by (Record 531): 139 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Uher; Uresti; Villarreal; Walker; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent, Excused, Committee Meeting — Sadler.

Absent — Bosse; Carter; Farabee; McReynolds; Seaman; Turner, S.; Zbraneck.

SB 527 ON THIRD READING
(Naishtat - House Sponsor)

SB 527, A bill to be entitled An Act relating to taking regulatory action against assisted living facilities, including the imposition of administrative penalties.

Amendment No. 1

Representatives Madden and Naishtat offered the following amendment to **SB 527**:

Amend **SB 527** on third reading in SECTION 8 of the bill (house committee report version) by inserting the following new Subsection (f) at the end of Section 247.0451, Health and Safety Code, as added by the bill:

(f) The department may not assess a penalty under this section against a resident of an assisted living facility unless the resident is also an employee of the facility or a controlling person.

Amendment No. 1 was adopted without objection.

SB 527, as amended, was passed.

SB 544 ON THIRD READING
(Smithree - House Sponsor)

SB 544, A bill to be entitled An Act relating to requiring health maintenance organizations to provide periodic health evaluations.

SB 544 was passed.

SB 581 ON THIRD READING
(Counts - House Sponsor)

SB 581, A bill to be entitled An Act relating to document preparation costs related to certain mental health proceedings.

SB 581 was passed.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolutions on committee report:

SCR 1 (Krusee - House Sponsor), Granting R. C. Crawford and Crawford Heavy and Marine Construction Limited permission to sue the state and the Texas Department of Transportation.

SCR 1 was adopted without objection. (Heflin recorded voting no)

SCR 35 (Chisum, Bonnen, Uher, Howard, and Geren - House Sponsors), Memorializing congress to require federally-controlled emission sources to meet the same reduction schedule as state-controlled sources.

SCR 35 was adopted without objection.

CSHCR 221 (by Brimer), Granting MICA Corporation permission to sue the state and the Texas Department of Transportation.

CSHCR 221 was adopted without objection.

CSHCR 211 (by Telford), Granting H. C. "Bud" Gibson permission to sue the state and the Texas Natural Resource Conservation Commission.

CSHCR 211 was adopted without objection.

CSHCR 208 (by Martinez Fischer), Allowing Carmen R. Melenzyer to sue the State of Texas and John Cornyn, Attorney General of the State of Texas.

CSHCR 208 - LAID ON THE TABLE SUBJECT TO CALL

Representative Martinez Fischer moved to lay **CSHCR 208** on the table subject to call.

The motion prevailed without objection.

HCR 246 (by Woolley), Directing the State Board of Education to consider including personal finance knowledge among the essential knowledge and skills in the required public school curriculum.

HCR 246 was adopted without objection.

HCR 139 (by Wohlgemuth, et al.), Memorializing congress to provide tax credits to individuals for the purchase of private health insurance.

HCR 139 was adopted without objection.

CSHCR 206 (by Nixon), Granting Darcie R. Barclay permission to sue the state and The University of Texas Medical Branch, et al.

CSHCR 206 was adopted without objection. (Heflin recorded voting no)

HCR 247 (by Hilderbran and Berman), Memorializing congress to repeal the Government Pension Offset.

HCR 247 was adopted.

SB 886 - VOTE RECONSIDERED

Representative B. Turner moved to reconsider the vote by which **SB 886** was passed.

The motion to reconsider prevailed.

Amendment No. 1 - Vote Reconsidered

Representative B. Turner moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

SB 886 was passed.

SB 309 - VOTE RECONSIDERED

Representative Chisum moved to reconsider the vote by which **SB 309** was passed.

The motion to reconsider prevailed.

Amendment No. 1

Representative Gray offered the following amendment to **SB 309**:

Amend **SB 309** (House Committee Report) on third reading by adding the following:

SECTION _____. Amend Sec.251.005, Occupations Code, to read as follows:

Sec. 251.005. APPLICATION OF SUNSET ACT. The State Board of Dental Examiners is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished September 1, 2003 [2005].

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Bosse offered the following amendment to **SB 309**:

Amend **SB 309** on third reading by adding a new article and section to the bill, to be numbered appropriately, to read as follows and by renumbering subsequent articles and sections of the bill appropriately:

ARTICLE ____ ENTITIES GIVEN 2003 SUNSET DATE.

SECTION ____ (a) TEXAS DEPARTMENT OF ECONOMIC DEVELOPMENT. Section 481.003, Government Code, is amended to read as follows:

Sec. 481.003. Sunset Provision. The Texas Department of Economic Development is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and this chapter expires September 1, 2003 [2004].

(b) This section takes effect only if neither **SB 321** nor **HB 3452**, 77th Legislature, Regular Session, 2001, becomes law. If either of those bills becomes law, this section has no effect.

Amendment No. 2 was adopted without objection.

SB 309, as amended, was passed.

HR 1223 - ADOPTED
(by Junell)

The following privileged resolution was laid before the house:

HR 1223

BE IT RESOLVED, BY THE House of Representatives of the State of Texas, that House Rule 13, Chapter C, Sections 9(a) and 9(b), be suspended in part as provided by House Rule, Chapter C, Section 9(f) to enable consideration of, and action on, the following specific matters which may be contained in the Conference Committee Report on **SB 1**.

1. Salary Policy

The Conference Committee Report provides for an annual salary increase of 4 percent as of September 1, 2001, with a minimum of \$100 per month, to state employees and non-faculty employees of institutions of higher education. A person must have been employed by the state for one year prior to September 1, 2001 to be eligible for the salary increase, but phased eligibility at September 1, 2002 and March 1, 2003 is provided. The salary increase does not include some employee classes at the Department of Criminal Justice and the Texas Youth Commission. An increase in longevity pay for state employees and employees at institutions of higher education is also provided in the Conference Committee Report, contingent on passage of authorizing legislation. This provision would increase longevity pay to a rate of \$20 per month for each 3 years of state service. The Conference Committee Report also provides an additional salary increase of \$65 per month effective September 1, 2002 for employees classified under Schedules A and C. Employees classified under Schedule B and non-faculty employees of institutions of higher education would receive a salary increase of 3 percent with a \$65 minimum. This increase is made contingent upon certification by the Comptroller that sufficient revenues are available to fund it.

2. Format Changes

For each general academic institution, service agency, health center, health science center, technical college, and system office, the Conference Committee Report combines all strategy appropriations into one single appropriation with the individual strategies shown, for information only, as the first rider in the institution's bill pattern. This format change does not affect the amount of appropriations to any institution or the method of financing the appropriations to any institution.

3. Exempt Salaries

Suspend House Rule 13, Chapter C, Section 9a, Subsection (1) to allow the Conference Committee to change, alter, or amend the Schedule of Exempt Positions for the following agencies where the House and Senate versions were not in disagreement.

HR 1223 was adopted without objection.

(Sadler now present)

SB 1 - ADOPTION OF CONFERENCE COMMITTEE REPORT

Representative Junell submitted the conference committee report on **SB 1**.

Representative Junell moved to adopt the conference committee report on **SB 1**.

A record vote was requested.

The motion prevailed by (Record 532): 141 Yeas, 3 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Counts; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Glaze; Goodman; Goolsby; Gray; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Sadler; Salinas; Seaman; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; Williams; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Nays — Dutton; Shields; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Hilbert; West.

Absent — Green; Howard; Krusee.

The speaker stated that the conference committee report was adopted subject to the provisions of Article III, Section 49a, of the Texas Constitution.

**SB 115 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hawley, the house granted the request of the senate for the appointment of a conference committee on **SB 115**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 115**: Hawley, chair, Ramsay, Hardcastle, Keffer, and B. Turner.

**SB 189 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Dutton, the house granted the request of the senate for the appointment of a conference committee on **SB 189**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 189**: Dutton, chair, Hochberg, Hardcastle, S. Turner, and Olivo.

**SB 312 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative McCall, the house granted the request of the senate for the appointment of a conference committee on **SB 312**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 312**: Chisum, chair, Counts, Walker, Bosse, and Geren.

**SB 516 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Hawley, the house granted the request of the senate for the appointment of a conference committee on **SB 516**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 516**: Hawley, chair, Hopson, McClendon, Delisi, and B. Turner.

**SB 536 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Dutton, the house granted the request of the senate for the appointment of a conference committee on **SB 536**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 536**: Dutton, chair, Bosse, Clark, Hope, and Janek.

**SB 730 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Thompson, the house granted the request of the senate for the appointment of a conference committee on **SB 730**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 730**: Thompson, chair, P. King, Hinojosa, Deshotel, and Talton.

**SB 1210 - REQUEST OF SENATE GRANTED
CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Tillery, the house granted the request of the senate for the appointment of a conference committee on **SB 1210**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 1210**: Dunnam, chair, Goodman, Solis, Deshotel, and Capelo.

**HB 154 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Thompson called up with senate amendments for consideration at this time,

HB 154, A bill to be entitled An Act relating to the personal needs allowance for certain Medicaid recipients who are residents of long-term care facilities.

Representative Thompson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 154**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 154**: Thompson, chair, Eiland, Chavez, Ellis, and Farabee.

**HB 900 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Thompson called up with senate amendments for consideration at this time,

HB 900, A bill to be entitled An Act relating to the administration of statutory probate courts and to the assignment of statutory probate court judges.

Representative Thompson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 900**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 900**: Thompson, chair, Garcia, Deshotel, Solis, and Hinojosa.

**HB 1203 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Brimer called up with senate amendments for consideration at this time,

HB 1203, A bill to be entitled An Act relating to the purchase of certain insurance coverage by state agencies and to workers' compensation insurance benefits provided by certain state agencies.

Representative Brimer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1203**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1203**: Brimer, chair, Dukes, J. Davis, Elkins, and Giddings.

**HB 1234 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Naishtat called up with senate amendments for consideration at this time,

HB 1234, A bill to be entitled An Act relating to the presence of certain advocates during forensic medical examinations of alleged victims of sexual assaults.

Representative Naishtat moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1234**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1234**: Naishtat, chair, E. Reyna, Green, Hinojosa, and Kitchen.

**HB 1323 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Shields called up with senate amendments for consideration at this time,

HB 1323, A bill to be entitled An Act relating to the expunction of arrest records and files when an indictment or information is dismissed or quashed.

Representative Shields moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1323**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1323**: Shields, chair, Hinojosa, Garcia, Dutton, and Talton.

**HB 1739 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Martinez Fischer called up with senate amendments for consideration at this time,

HB 1739, A bill to be entitled An Act relating to the penalty for a violation of certain laws involving the restraint of a child in a motor vehicle.

Representative Martinez Fischer moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1739**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1739**: Martinez Fischer, chair, Alexander, Noriega, Pickett, and Swinford.

**HB 1763 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative McCall called up with senate amendments for consideration at this time,

HB 1763, A bill to be entitled An Act relating to the continuation and functions of the Finance Commission of Texas and the regulation of certain financial institutions and businesses.

Representative McCall moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1763**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1763**: McCall, chair, Averitt, Gallego, Chisum, and Hochberg.

**HB 1784 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Cook called up with senate amendments for consideration at this time,

HB 1784, A bill to be entitled An Act relating to the ratification, creation, administration, powers, duties, operation, and financing of groundwater conservation districts for the management of groundwater resources in the central Carrizo-Wilcox area.

Representative Cook moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1784**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1784**: Cook, chair, Kolkhorst, Walker, Counts, and R. Lewis.

**HB 1862 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Eiland called up with senate amendments for consideration at this time,

HB 1862, A bill to be entitled An Act relating to the regulation and prompt payment of health care providers under certain health benefit plans.

Representative Eiland moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1862**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1862**: Eiland, chair, Smithee, Janek, G. Lewis, and Isett.

**HB 1925 - HOUSE REFUSES TO CONCUR
IN SENATE AMENDMENTS
CONFERENCE COMMITTEE APPOINTED**

Representative Haggerty called up with senate amendments for consideration at this time,

HB 1925, A bill to be entitled An Act relating to the creation of an offense prohibiting certain weapons within 1,000 feet of a place of execution.

Representative Haggerty moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 1925**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 1925**: Haggerty, chair, Hinojosa, Keel, Allen, and Ritter.

**HR 1072 - ADOPTED
(by Wolens)**

Representative Wolens moved to suspend all necessary rules to take up and consider at this time **HR 1072**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1072, In memory of MacGregor Wood Day of Dallas.

HR 1072 was unanimously adopted by a rising vote.

HR 1201 - ADOPTED

(by D. Jones)

Representative D. Jones moved to suspend all necessary rules to take up and consider at this time **HR 1201**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1201, In memory of Wayne Finnell of Lubbock.

HR 1201 was unanimously adopted by a rising vote.

On motion of Representative Uher, the names of all the members of the house were added to **HR 1201** as signers thereof.

HR 1192 - ADOPTED

(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1192**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1192, Honoring the life of Dr. Cayetano E. Barrera of Mission.

HR 1192 was unanimously adopted by a rising vote.

HR 1193 - ADOPTED

(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1193**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1193, Honoring Robert Garza of Rio Hondo for being selected in the fourth round of the 2001 NFL Draft by the Atlanta Falcons.

HR 1193 was adopted without objection.

HR 1224 - ADOPTED

(by Hill)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 1224**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 1224, Honoring Virdell Williams as he launches his opera career in New York City.

HR 1224 was adopted without objection.

ADJOURNMENT

Representatives Gutierrez, Williams, and Flores moved that the house adjourn until 10 a.m. tomorrow in memory of Debra Prokop of Austin, Joyce Parrish of The Woodlands, and Dr. Cayetano E. Barrera of Mission.

The motion prevailed without objection.

The house accordingly, at 8:03 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 298 (By Eiland), Designating May 21-28, 2001, as Beach and Water Safety Week in Texas.

To State, Federal & International Relations.

HR 1174 (By Elkins), Urging the Texas Department of Public Safety to create a public database that lists the offenders who have violated the terms and conditions of their parole, mandatory supervision, or community supervision agreements and have outstanding arrest warrants.

To Public Safety.

HR 1189 (By B. Turner), Honoring the Llano High School Concert Ensemble and Marching Ensemble.

To Rules & Resolutions.

HR 1190 (By J. Davis), Congratulating Bertie Lynch and Arthur E. Lynch, Sr., of Seabrook on their 50th wedding anniversary.

To Rules & Resolutions.

HR 1191 (By Christian), Honoring Floyd A. "Doc" and Fannie Watson of Paxton for their community service.

To Rules & Resolutions.

HR 1194 (By Cook), In memory of Charles "Charlie" McKeown of Smithville.

To Rules & Resolutions.

HR 1196 (By Chavez), Honoring the Del Valle High School Band for its achievements at the New York Music Festival.

To Rules & Resolutions.

HR 1197 (By Chavez), Honoring Steve Crosno for his contributions to El Paso's culture.

To Rules & Resolutions.

HR 1198 (By Chavez), Commending the El Paso County Hospital District Board of Managers for approving a contract to establish a pediatric urgent-care center.

To Rules & Resolutions.

HR 1199 (By Chavez), Honoring the Mount Cristo Rey Illumination Committee for their dedicated efforts.

To Rules & Resolutions.

HR 1202 (By Naishtat, Maxey, et al.), Recognizing May 25, 2001, as Pat Cole Appreciation Day in Texas.

To Rules & Resolutions.

HR 1203 (By Shields), Honoring Hidden Forest Elementary School for being selected as a national Blue Ribbon School.

To Rules & Resolutions.

HR 1204 (By Chavez), Designating El Paso, Texas as the International Gateway City of the Americas.

To Rules & Resolutions.

SCR 68 to Rules & Resolutions.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 64

HB 149, HB 164, HB 170, HB 182, HB 596, HB 628, HB 892, HB 931, HB 949, HB 964, HB 1056, HB 1080, HB 1109, HB 1124, HB 1128, HB 1181, HB 1309, HB 1348, HB 1363, HB 1393, HB 1394, HB 1428, HB 1430, HB 1447, HB 1468, HB 2167, HB 2168, HB 2803, HB 2808, HB 2831, HB 2833, HB 2863, HB 2957, HB 2976, HB 3121, HB 3123, HB 3144, HB 3174, HB 3178, HB 3184, HB 3185, HB 3203, HB 3229, HB 3254, HB 3285, HB 3296, HB 3298, HB 3393, HB 3463, HB 3491, HB 3552, HB 3632, HB 3653

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 3

MESSAGE FROM THE SENATE
SENATE CHAMBER

Austin, Texas

Wednesday, May 23, 2001 - 3

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 704 Delisi SPONSOR: Shapiro
Relating to the Careers to Classrooms Program.
(AMENDED)

HB 920 Goodman SPONSOR: West, Royce
Relating to the adoption of the Uniform Parentage Act; providing penalties.
(AMENDED)

HB 981 King, Tracy SPONSOR: Armbrister
Relating to oil and gas royalty reporting standards.
(AMENDED)

HB 1005 Naishtat SPONSOR: Zaffirini
Relating to the creation of a state program of temporary assistance and related support services for needy persons.
(AMENDED)

HB 1317 Farabee SPONSOR: Haywood
Relating to financial security requirements for certain oil well operators.
(AMENDED)

HB 1392 Keffer SPONSOR: Staples
Relating to certain ad valorem tax exemptions.
(AMENDED)

HB 1449 Oliveira SPONSOR: Sibley
Relating to the expiration of the Property Redevelopment and Tax Abatement Act.
(AMENDED)

HB 1544 Uher SPONSOR: Moncrief
Relating to the release of certain personal information from motor vehicle records and information relating to motor vehicle accident reports; providing penalties.
(AMENDED)

HB 1585 Gallego SPONSOR: Staples
Relating to the completion of a sentence in a felony after revocation of parole, mandatory supervision, or conditional pardon.
(AMENDED)

HB 1617 Allen SPONSOR: Armbrister
Relating to the expansion of prison industries programs.
(AMENDED)

HB 1706 Farrar SPONSOR: Lucio
Relating to the regulation of architecture, landscape architecture, and interior design by the Texas Board of Architectural Examiners.

HB 1721 Martinez Fischer SPONSOR: Van de Putte
Relating to certification examinations for educators certified in other jurisdictions.

HB 1776 Green SPONSOR: Nelson
Relating to the establishment of Celebrate Freedom Week in public schools.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 1806 Menendez SPONSOR: Van de Putte
Relating to the issuance of certain alcoholic beverage licenses and permits.
(AMENDED)

HB 1890 Lewis, Glenn SPONSOR: Harris
Relating to control of contracts and funds of a commissary for the county jail of certain counties.
(AMENDED)

HB 2008 Naishtat SPONSOR: Moncrief
Relating to indoor air quality in buildings owned or leased by state or local government.

HB 2111 Gallego SPONSOR: Duncan
Relating to the Office of Court Administration of the Texas Judicial System, the Judicial Committee on Information Technology, and the Texas Judicial Council.
(AMENDED)

HB 2119 Haggerty SPONSOR: Madla
Relating to the authorization and regulation of progressive bingo games.

HB 2127 Craddick SPONSOR: Bivins
Relating to unfair discrimination by the issuer of a health benefit plan; providing penalties.
(AMENDED)

HB 2323 Gallego SPONSOR: Shapleigh
Relating to repayment assistance for certain law school loans of persons providing legal services to the indigent.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 2498 Haggerty SPONSOR: Lucio
Relating to certain cross-border health care plans offered by health maintenance organizations.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 2509 Danburg SPONSOR: Shapiro
Relating to certain election processes and procedures.
(AMENDED)

HB 2585 Chavez SPONSOR: Shapleigh
Relating to motorcycle operator and passenger safety.
(AMENDED)

HB 2614 Solis, Jim SPONSOR: Lucio
Relating to a dental services pilot program in border-region counties.

HB 2643 Morrison SPONSOR: Armbrister
Relating to the ratification of the creation of and to the administration, powers, duties, operation, and financing of the Crossroads Groundwater Conservation District.

HB 2723 Raymond SPONSOR: Shapleigh
Relating to civil actions involving persons who file complaints with governmental agencies.

HB 2778 Farabee SPONSOR: Madla
Relating to the membership of the interagency work group on unfunded mandates on political subdivisions.
(AMENDED)

HB 2847 Averitt SPONSOR: Sibley
Relating to the authority of the Brazos River Authority to discover, develop, produce, and use groundwater in the Brazos River Basin and environs.
(AMENDED)

HB 2932 Lewis, Glenn SPONSOR: Carona
Relating to a discount on the premium surcharge for a motor vehicle equipped with a breath alcohol detection device.
(AMENDED)

HB 2972 Talton SPONSOR: Gallegos
Relating to local control of police officer employment matters by certain municipalities.

HB 3006 Uresti SPONSOR: Madla
Relating to composition of the board of directors of a tax increment reinvestment zone.
(AMENDED)

HB 3076 Smithee SPONSOR: Bivins
Relating to the designation of certain state highways.
(COMMITTEE SUBSTITUTE/AMENDED)

HB 3088 Turner, Sylvester SPONSOR: Ellis, Rodney
Relating to the creation and re-creation of funds and accounts in the state treasury, the dedication and rededication of revenue, and the exemption of unappropriated money from use for general governmental purposes.
(AMENDED)

HB 3171 Thompson SPONSOR: West, Royce
Relating to the creation, composition, and operation of certain district courts.
(AMENDED)

HB 3244 Gallego SPONSOR: Duncan
Relating to authorizing the Texas Department of Health to temporarily transfer money appropriated for the purpose of a tobacco endowment program administered by the department to use for another tobacco endowment program administered by the department.
(AMENDED)

HB 3305 Martinez Fischer SPONSOR: Van de Putte
Relating to changing the deadlines and authority for ordering the election and filing for candidacy in political subdivision elections.

(AMENDED)

HB 3323 Solomons SPONSOR: Nelson
Relating to the creation, organization, and powers of a coordinated county transportation authority; authorizing the imposition of a tax, the issuance of bonds and notes, and the exercise of the power of eminent domain.

(COMMITTEE SUBSTITUTE/AMENDED)

HB 3348 Counts SPONSOR: Haywood
Relating to the Texas Energy Resource Council; authorizing the imposition of an assessment on producers of oil, gas, and condensate.

(AMENDED)

HB 3355 McReynolds SPONSOR: Staples
Relating to water quality management plans for agricultural and silvicultural facilities.

HB 3578 Villarreal, Mike SPONSOR: Shapleigh
Relating to the use of certain child care development funds for quality child care programs.

(AMENDED)

HB 3586 Hartnett SPONSOR: West, Royce
Relating to an additional fee for filing civil cases in certain Dallas County courts.

(COMMITTEE SUBSTITUTE)

HB 3590 Hunter SPONSOR: Van de Putte
Relating to establishing the Texas Fund for Geography Education to support geography education at public, private, or independent institutions of higher education.

HB 3699 Ritter SPONSOR: Bernsen
Relating to the allocation of certain funds for institutions within the Texas State University System.

(COMMITTEE SUBSTITUTE/AMENDED)

HCR 99 Coleman SPONSOR: Ellis, Rodney
In honor of Carl Lewis's outstanding work with the Best Buddies International organization.

HCR 273 McReynolds SPONSOR: Staples
In memory of Pauline DeBerry of Lufkin.

HCR 302 Thompson SPONSOR: Wentworth
Instructing the enrolling clerk of the house to make technical corrections to H. B. No. 689.

THE SENATE HAS TAKEN THE FOLLOWING OTHER ACTION:

SB 732

Pursuant to **SCR 65**, the Senate reconsidered the motion to concur and refused to concur in the House amendment and requested the appointment of a conference committee.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

ENROLLED

May 22 - HB 15, HB 31, HB 59, HB 195, HB 218, HB 249, HB 280, HB 298, HB 407, HB 412, HB 434, HB 451, HB 456, HB 468, HB 476, HB 497, HB 546, HB 772, HB 776, HB 840, HB 1245, HB 1268, HB 1368, HB 1628, HB 1649, HB 1669, HB 1678, HB 1755, HB 1762, HB 1823, HB 1863, HB 1872, HB 1880, HB 1915, HB 1940, HB 1955, HB 1985, HB 1996, HB 2076, HB 2087, HB 2098, HB 2122, HB 2124, HB 2125, HB 2138, HB 2152, HB 2153, HB 2154, HB 2184, HB 2238, HB 2247, HB 2265, HB 2279, HB 2327, HB 2334, HB 2423, HB 2475, HB 2482, HB 2488, HB 2529, HB 2587, HB 2589, HB 2593, HB 2638, HB 2650, HB 2658, HB 2682, HB 2706, HB 2731, HB 2756, HB 2758, HB 2760, HB 2761, HB 2763, HB 2767, HB 2769, HB 2780, HB 2782, HB 2784, HB 2788, HB 2811, HB 2812, HB 2813, HB 2832, HB 2913, HB 2950, HB 3038, HB 3067, HB 3147, HB 3153, HB 3159, HB 3231, HB 3483, HB 3498, HB 3603, HB 3623, HB 3659, HB 3663, HB 3664, HB 3670, HB 3671, HB 3676, HB 3677, HB 3693, HB 3695, HCR 137, HCR 267, HCR 284, HCR 293

SENT TO THE GOVERNOR

May 22 - HB 59, HB 156, HB 323, HB 476, HB 546, HB 776, HB 1368, HB 1566, HB 1649, HB 2087, HB 2098, HB 2586, HB 2839, HB 2950, HB 3038, HB 3067, HB 3231, HCR 92, HCR 137, HCR 293

SIGNED BY THE GOVERNOR

May 22 - HB 16, HB 261, HB 444, HB 822, HB 1132, HB 1178, HCR 196, HCR 272, HCR 276, HCR 277